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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/621,369

07/18/2003

Jang Geun Oh

HI-0159

4055

34610 7590 06/20/2007
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EXAMINER

SHERMAN, STEPHEN G

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

06/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/621,369

Applicant(s)

OH, JANG GEUN

Examiner

Stephen G. Sherman

Art Unit

2629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

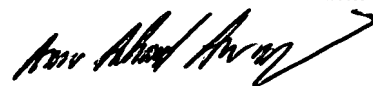
AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

AMR A. AWAD
SUPERVISORY PATENT EXAMINER



Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues on page 8 of the response that Mendelson does not teach or suggest adjusting the driving of the display until the display is driven at a predetermined brightness and setting an adjusted brightness control code corresponding to the predetermined brightness of the display. Applicant cites col. 16, lines 1-16 of Mendelson to state that the updated information relates to luminance ratios of the lamps and that Mendelson does not teach that the updated information is an adjusted brightness control code corresponding to the predetermined brightness, however, Col 16, lines 1-6 specifically state that the luminance ratios are determined to construct a table that correlates the voltage settings of the lamps, brightness of the display, the color temperature of the display, etc. In other words, Mendelson does teach the claimed feature. The applicant continues further to argue this feature of Mendelson by stating that Mendelson determines the relative contribution of each lamp, etc., but as explained above the lumiance ratios are only used to determine how the information in the table should be constructed, i.e. how much to adjust the previous settings. Mendelson clearly states that the table constructed from the sensing consists of voltage setting of the lamps, the brightness of the display, etc., which are "brightness control codes". The applicant's next argument begins on page 9 of the response, where the applicant argues that Mendelson does not teach or suggest adjusting the driving of the display until the display is driven at a predetermined brightness based on the sensed brightness. The applicant argues that the examiner's characterization of the relationship between voltage and brightness is incorrect with respect to different displays, which is the problem that the applicant's invention is trying to solve. The applicant has misunderstood the rejection. In Mendelson, the lamps are set to a specific ratio, i.e. each lamp is driven at a particular voltage. When the display is driven at the particular voltage a certain brightness should be displayed, i.e. a predetermined brightness. This brightness that should be displayed is known because when the display is manufactured these relationships are measured and set as explained in Mendelson at Figure 9 and column 12, lines 14-17. Next in Mendelson, measurements are taken using the sensor of the brightness of the display. This brightness is not going to equal the brightness that was already known because the lamps have degraded over time. Calculations are then made to adjust the profile for the monitor that contains the voltage settings of the lamps, the brightness of the display, etc. (see Mendelson col 16, lines 1-6). The display then will be driven based on the new settings and the driving of the display will be adjusted until it is driven at a brightness based on the sensed brightness. The applicant has to remember that the claims are given their broadest reasonable interpretation and if the applicant wants them to be read more specifically then additional limitations should be added to the claims.